

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re ORLY GENDER,
Debtor.

Chapter 7
Case No. 19-13895 (JLG)

**DECLARATION OF ADAM POLLOCK IN SUPPORT OF
OBJECTION TO MOTION TO APPROVE SETTLEMENT**

ADAM POLLOCK, pursuant to 28 U.S.C. § 1746(2), declares as follows:

(i) I am duly admitted to practice law in this State and before this Court. My firm represents the Orly Genger 1993 Trust (the “Orly Trust”), through its Michael Oldner, Trustee, a creditor in the above-referenced bankruptcy case. I respectfully submit this declaration in support of the Objection of the Orly Trust, by its Trustee Michael Oldner, to the Chapter 7 Trustee’s Motion to Approve Settlement.

1. Attached as **Exhibit 1** is a true and correct copy of the Settlement Agreement and Release, dated June 16, 2013.

2. Attached as **Exhibit 2** is a true and correct copy of a memorandum by Togut, Segel & Segel LLP with bates stamp TRUSTEE_2021.07.06_004482 – TRUSTEE_2021.07.06_004503.

3. Attached as **Exhibit 3** is a true and correct copy of emails between Rocco A. Cavaliere and Frank Oswald, dated April 9, 2020, with bates stamp TRUSTEE_2021.07.06_001563 – TRUSTEE_2021.07.06_001566. (Because the Trustee’s document production was not Bates-stamped, we added sequential numbering for ease of reference.)

4. Attached as **Exhibit 4** is a true and correct copy of emails between Rocco A. Cavaliere, Chris Gartman, and Chris Kiplok, dated February 24-26, 2020, with bates stamp TRUSTEE_2021.07.06_001494 – TRUSTEE_2021.07.06_001497.

5. Attached as **Exhibit 5** is a true and correct copy emails between Rocco A. Cavaliere, Chris Gartman, and Chris Kiplok, dated February 28, 2020 and March 2, 2020, with bates stamp TRUSTEE_2021.07.06_001476 – TRUSTEE_2021.07.06_001477.

6. Attached as **Exhibit 6** is a true and correct copy emails between Rocco A. Cavaliere, Chris Gartman, and Chris Kiplok, dated April 7-8, 2020, with bates stamp TRUSTEE_2021.07.06_001419 – TRUSTEE_2021.07.06_001421.

7. Attached as **Exhibit 7** is a true and correct copy of emails between Rocco A. Cavaliere and Eric D. Herschmann, dated June 18, 2020, with bates stamp TRUSTEE_2021.07.06_003481.

8. Attached as **Exhibit 8** is a true and correct copy of Plaintiff Orly Genger's Memorandum of Law in Opposition to the Motion to Dismiss (dkt. no. 182) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on November 22, 2011.

9. Attached as **Exhibit 9** is a true and correct copy of Plaintiff Orly Genger's Memorandum of Law in Opposition to the Motion to Vacate Temporary Restraining Order (dkt. no. 341) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on February 26, 2013.

10. Attached as **Exhibit 10** is a true and correct copy of an excerpt from a transcript (dkt. no. 222) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on March 28, 2012.

11. Attached as **Exhibit 11** is a true and correct copy of a letter to Justice Jaffe from Paul Montclare (dkt. no. 465) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on June 18, 2013.

12. Attached as **Exhibit 12** is a true and correct copy of a stipulation (dkt. no. 466) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on June 19, 2013.

13. Attached as **Exhibit 13** is a true and correct copy of a letter and objection to stipulation (dkt. no. 467) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on June 19, 2013.

14. Attached as **Exhibit 14** is a true and correct copy of a letter to Justice Jaffe from Thomas J. Allingham II (dkt. no. 485) in *Genger v. Genger et al.*, Index No. 651089/2010, dated June 28, 2013.

15. Attached as **Exhibit 15** is a true and correct copy of the Second Amended Stipulation of Discontinuance with Prejudice (dkt. no. 471) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on June 26, 2013.

16. Attached as **Exhibit 16** is a true and correct copy of the Second Amended Stipulation of Discontinuance with Prejudice (dkt. no. 487) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on July 1, 2013.

17. Attached as **Exhibit 17** is a true and correct copy of the Notice of Motion (dkt. no. 472) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on June 26, 2013.

18. Attached as **Exhibit 18** is a true and correct copy of the Proposed Order to Show Cause (dkt. no. 527) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on July 17, 2013.

19. Attached as **Exhibit 19** is a true and correct copy of the Decision and Order (dkt. no. 700) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on December 24, 2013.

20. Attached as **Exhibit 20** is a true and correct copy of the Notice of Entry (dkt. no. 926) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on May 13, 2014.

21. Attached as **Exhibit 21** is a true and correct copy of the Notice of Motion (dkt. no. 1099) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on August 11, 2014.

22. Attached as **Exhibit 22** is a true and correct copy of the Memorandum of Law in Support of Trustee Dalia Genger's Motion to Substitute for Plaintiff Orly Genger on her Derivative Claims against the Trump Group and for an Order Directing Settlement Proceeds to be Paid into Court (dkt. no. 1108) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on August 11, 2014.

23. Attached as **Exhibit 23** is a true and correct copy of the Order (dkt. no. 1153) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on November 25, 2014.

24. Attached as **Exhibit 24** is a true and correct copy of the Notice of Appeal (dkt. no. 1155) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on December 15, 2014.

25. Attached as **Exhibit 25** is a true and correct copy of the Interim Order (dkt. no. 1279) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on May 7, 2015.

26. Attached as **Exhibit 26** is a true and correct copy of the Decision and Order (dkt. no. 1520) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on February 20, 2019.

27. Attached as **Exhibit 28** is a true and correct copy of the Credit Agreement between Arie Genger and ADBG LLC, dated September 19, 2008.

28. Attached as **Exhibit 29** is a true and correct copy of the Notice of Appeal (dkt. no. 1529) in *Genger v. Genger et al.*, Index No. 651089/2010, filed on May 14, 2019.

29. Attached as **Exhibit 30** is a true and correct copy of the Transcript (dkt. no. 1510) in *Genger v. Genger et al.*, Index No. 109749/2009, filed on May 18, 2017.

30. Attached as **Exhibit 31** is a true and correct copy of the Decision and Order (dkt. no. 1652) in *Genger v. Genger et al.*, Index No. 109749/2009, filed on October 4, 2019.

31. Attached as **Exhibit 32** is a true and correct copy of the Notice of Appeal (dkt. no. 1658) in *Genger v. Genger et al.*, Index No. 109749/2009, filed on October 22, 2019.

32. Attached as **Exhibit 33** is a true and correct copy of the Brief for Plaintiff-Respondent Orly Genger in *Genger v. Genger et al.*, Index No. 109749/2009, dated April 27, 2017.

33. Attached as **Exhibit 34** is a true and correct copy of the Decision in *In re the Orly Genger 1993 Trust*, No. 0017/2008 (Sur. Ct., N.Y. Cty.), filed January 2, 2009.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: July 16, 2021

By: /s/ Adam Pollock

Adam Pollock